

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIE LEE MITCHELL, JR.,

Plaintiff,

vs.

GEORGE JAIME,

Defendant.

**1:20-cv-01751-NONE-GSA-PC**

**ORDER RESPONDING TO  
PLAINTIFF'S REQUEST RE SERVICE  
OF DEFENDANT  
(ECF No. 8.)**

**I. BACKGROUND**

Willie Lee Mitchell, Jr., ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 11, 2020, against defendant George Jaime. (ECF No. 1.)

On April 12, 2021, Plaintiff filed a request for the court to provide notice that defendant George Jaime has been served with process. (ECF No. 8.)

**II. SCREENING AND SERVICE OF PROCESS**

The court is required by law to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity, such as the instant action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or

malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

With respect to service, the court will, *sua sponte*, initiate service of the Complaint only after the court has screened the Complaint and determined that it contains cognizable claims for relief against the named defendants.

Here, Plaintiff’s Complaint awaits the court’s screening, and therefore it is not time for service in this case. Therefore, defendant George Jaime has not been served with process at this stage of the proceedings. Plaintiff will be notified when service is completed.

### **III. CONCLUSION**

This order resolves Plaintiff’s request (ECF No. 8) filed on April 12, 2021.

IT IS SO ORDERED.

Dated: April 15, 2021

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE